

# WARREN COUNTY BOARD OF SUPERVISORS

## COMMITTEE: PLANNING & COMMUNITY DEVELOPMENT

DATE: OCTOBER 27, 2006

### COMMITTEE MEMBERS PRESENT:

Supervisors   Stec  
                  Belden  
                  Gabriels  
                  Monroe  
                  Tessier  
                  Champagne  
                  Mason

Representing Planning & Community Development Department:  
                  Wayne LaMothe, Assistant Director  
William Thomas, Chairman  
Joan Parsons, Commissioner, Administrative & Fiscal Services  
Joan Sady, Clerk, Board of Supervisors  
Trish Nenninger, Second Assistant County Atty.  
Supervisor Nicholas Caimano, Budget Officer  
Supervisor Geraghty  
Michael Dufault, Empire Heritage  
Matthew Sokol, Queensbury  
Katy Goodman, Secretary to the Clerk

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Mr. Stec called the meeting to order at 10:19 a.m.

Motion was made by Mr. Belden, seconded by Mr. Mason and carried unanimously to approve the minutes of the previous meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Mr. LaMothe, and he advised that Patricia Tatich, Director of the Planning & Community Development Department, was not able to be at the meeting. Mr. LaMothe distributed copies of an agenda packet for the meeting to the Committee members, and a copy of same is on file with the minutes.

Mr. LaMothe commenced with review of the agenda, and under Pending Items he noted the first item was the status of the Abbreviated Consolidated Plan Update. He advised they had not had a chance to start on that project, but they would do so. Thus, Mr. LaMothe said the item would be discussed more in the future.

Pursuant to Pending Item No. 2, Mr. LaMothe spoke on the SARA (State Archives Records Administration) Program grant. He apprised the County had been awarded a \$96,000+ grant for a GIS records management project and that under the Committee Actions items on page 2 of the agenda he would be requesting two resolutions relative to the grant award. Mr. Stec and Mr. LaMothe agreed the resolution requests would be handled later in the meeting.

Mr. LaMothe discussed the Outdoor Drama Project (Pending Items No. 3 a - e). First, he reported that yesterday Mayor Robert Blais, of the Village of Lake George, Supervisor Louis Tessier, Town of Lake George Supervisor, William Thomas, Chairman, Warren County Board of Supervisors,

and he had met and discussed the use of the Village's property for the site of the outdoor theater. He stated the Village had made some proposals to the County that he thought would come up at a future time. Mr. LaMothe advised that basically Mayor Blais told them to proceed to use the site next to the reservoir that they had expected would be used. Mr. Stec asked if he thought the Committee members would have any problems with the Mayor's suggestions. Mr. LaMothe replied no. However, he added, Mayor Blais had said there might be some environmental issues with the site but they had expected that since the site was next to the reservoir.

Mr. LaMothe stated as they now know that would be the project site, they would proceed to develop an RFP (Request for Proposal) for the preliminary site design. He requested the Committee's approval to release the RFP as soon as it was ready. Mr. LaMothe advised the RFP would be released with the understanding that no contract would be executed until the Committee members' reviewed it and they also had some written approval of the site.

Motion was made by Mr. Belden, seconded by Mr. Mason and carried unanimously to approve the preparation of the RFP. Mr. LaMothe explained a Board of Supervisors' resolution was not needed, only the Committee members' approval to authorize the preparation of the RFP.

Continuing, Mr. LaMothe noted Item No. 3-c was that Paul Dusek, the County Attorney, was to review the issues and key actions by the County to advance the production company for the outdoor drama until another organization was in place to assume those responsibilities. He stated at a previous Committee meeting, Mr. Dusek had spoken about this issue. Mr. LaMothe asked Trish Nenninger, Second Assistant County Attorney, who was present at the meeting, if she had any input on this.

Privilege of the floor was extended to Ms. Nenninger, and she responded she was not at the meeting where Mr. Dusek spoke on this issue. However, she said, she thought one of the issues that arose concerned the structure of the production side of the outdoor drama. Ms. Nenninger stated at the National Conference on Outdoor Drama that Mr. LaMothe and she had attended recently, one thing that was very clear was that almost exclusively the production side of all of the outdoor dramas was handled by a private not-for-profit company and not a municipality. There might be some grants that help, she said but quite often the structure was that a municipality was involved with the facility either through leasing the land or the facility or the use of the facility.

Continuing, Ms. Nenninger advised that the professionals in this field felt very strongly that the productions should be privately run because a large portion of their funding was from private sources and they felt that private sources would not fund productions that were operated by municipalities. Ms. Nenninger noted she thought that addressed to some degree how the production should be structured if they wanted to follow how successful facilities were run. Mr. Belden asked if it was correct that the County would maintain the grounds, etc., of the theater facility. Ms. Nenninger replied she thought at this point the County's proposal was that it would own the facility. She noted she thought that currently, the Town of Lake George not the Village owned the land, so there would have to be some agreement on how that would work.

Ms. Nenninger stated it was fairly common that most of the successfully run productions involved federally-owned lands with buildings that either the production company or a Town had built. There were also cities that had built facilities and that would have to be worked out with the Village, Ms. Nenninger said.

Mr. LaMothe stated they had used the model of the (County scenic) railroad wherein the County or the municipality would own the facility and license out its use. Ms. Nenninger advised pursuant to attending the aforementioned Conference there were a lot of different types of facilities the County would need to discuss in order to define what it would be operating. For example, she elaborated, the items involved would be the facility itself, the stadium seats, the scenery background and the costumes. Ms. Nenninger said in addition such productions usually needed some type of housing for the actors. She noted the facility they visited actually had dormitories for the actors so the question would be whether the County would want to own a facility like that.

Mr. Monroe suggested perhaps they should start to contact production companies by putting out expressions of interest to see what the interest level might be and what the companies' needs would be. They would not be making any final deals, he added. Mr. LaMothe explained that typically a facility owner would not contract with a production company so they would pretty much have to create one on its own. He stated there were not production companies out there waiting to do productions. Mr. LaMothe explained that was why they had discussed perhaps having a script committee and looking at the LDC (Local Development Corporation) to be the incubator of the not-for-profit side of the project and to also help with some initial funding of the organization. He recalled that some of the people who participated in a recent meeting concerning the LDC changeover were very interested in pursuing that concept relative to the outdoor drama. Mr. Monroe expressed concern that the LDC did not have any production experience. He noted it seemed with all the other outdoor dramas in the Country there must be production companies that produce those shows that might possibly be interested in becoming involved in another one. Mr. LaMothe responded he felt an organization would hire a general manager that would put the production together locally. That was also what the Institute for Outdoor Drama (IOD) advised be done, he added.

Ms. Nenninger stated it would depend on the structure and Mr. LaMothe had one that there might be authority for. She advised that all along Mr. Dusek's position was that generally the County could not undertake the funding of the production side of the project. Mr. Monroe acknowledged he understood that, but he would still be concerned about starting with an organization that did not have any production experience. Mr. LaMothe said they would hire someone with the experience to create a locally-based company. He stated he would talk to the IOD to see if they thought there might be any existing companies that would want to become involved with another production although he had done that previously.

Mr. Belden asked if an RFP would have to be done to find a production company. Ms. Nenninger responded that usually a County was not involved with the production company as that was completely handled by a private not-for-profit. Then, she said, the County would enter into an

agreement with the private entity. Ms. Nenninger noted if the question was were there multiple production companies bidding for the County's space, she would have to look into that. However, she said, she did not see that being done by anyone. Ms. Nenninger stated she felt the most significant point to come from the Conference was that the process for all of the outdoor dramas was being driven forward by a not-for-profit rather than a municipality. Although, she said, there was one municipality that had built a facility and it still did not have a script which was Mr. Monroe's concern. Ms. Nenninger concluded if there was a bidding issue they would have to address it, but that was not the structure for most of the outdoor dramas.

Mr. Champagne stated since the RFP was going to be issued for the site design, it seemed this would be the time to put together a plan that would show where the project would be for the next few years and who would be doing what needed to be done to carry out the plan. Mr. LaMothe responded they were in the process of putting together a facility plan and a production plan and the plans would tend to marry out.

Mr. Caimano entered the meeting at 10:36 a.m.

Mr. LaMothe stated Pending Item No. 4 concerned proposed organizational changes to the Warren County Local Development Corporation (LDC). He advised there had been a discussion about creating an agreement between the County and the existing County LDC that would define the role of the Planning & Community Development Department and the funding issues for projects the LDC was involved with. Mr. LaMothe stated after the agreement was completed the County Board of Supervisors would no longer be the LDC's Board of Directors and administrative staff. He stated Ms. Nenninger would have some input on this matter.

Ms. Nenninger stated she felt Mr. LaMothe had summarized the status of the situation. She concurred they were in the process of drafting the contracts to try to define the roles and responsibilities of everyone who was involved in the situation. She stated they hoped to have the work completed by the end of the year and to have something in place for review by everyone including the people from Economic Development Corporation (EDC) Warren County, New York, for the November 17th Board of Supervisors' meeting.

Mr. Stec stated he had attended a recent meeting where it was discussed that the Public Authority Accountability Act had forced the County to consider the way it did the business of the LDC. Relative to that issue, he said, they had met with Leonard Fosbrook, President of EDC Warren County, New York, and others from that organization to discuss that issue. He noted the Planning & Community Development Department's operations would be impacted the most directly by any changes that would be made. Mr. Stec noted Mr. Dusek, Ms. Nenninger and Attorney Lawrence Paltrowitz also attended the meeting and it looked like everyone was together on completing the changes by the end of the year.

Mr. LaMothe stated there was still some confusion about these changes and that was also evident at the aforementioned meeting. He explained the changes were not a merger of the (County)

LDC with EDC Warren County New York. Instead, Mr. LaMothe advised the organizations that were going to merge were the Warren County LDC and a separate LDC that was a spin off of the EDC and they would use the same Board of Directors. Mr. Stec advised the spin-off organization was the Hudson River LDC. He concurred with Mr. LaMothe that the two organizations would not be merging immediately. Although, he said for the time being there would be two separate LDCs but they would have the same Board of Directors. Mr. Stec concurred with Ms. Nenninger that it was also agreed that two supervisors would be members of the Board of Directors. Mr. Stec stated the Board of Supervisors would need to decide who those Supervisors would be at a later date. Brief discussion ensued, and Ms. Nenninger noted all these issues were still under negotiation.

Mr. LaMothe commenced with review of the Planning and Community Development agenda items (Nos. 1 - 8). He spoke first on the status of some funding requests the Department staff had prepared and submitted to various State agencies. Mr. LaMothe reported the application for a Shared Municipal Services grant that was a last minute project was submitted on time. (For details on this application see the minutes of the October 11, 2006 Planning & Community Development Committee meeting.)

Mr. LaMothe noted Planning & Community Development Item No. 2 concerned a request from the Town of Warrensburg for the Department's assistance with an application for a Quality Communities Program grant. He stated Town of Warrensburg Supervisor Kevin Geraghty was present at the meeting in support of the request. Mr. LaMothe said they had met with the Town officials and discussed options for the application. He outlined that the application would be to extend the First Wilderness Corridor concept into Warrensburg and to look at an action plan similar to the one that has been in place for North Creek for a long time.

Motion was made by Mr. Belden, seconded by Mr. Gabriels and carried unanimously to approve the Planning & Community Development Department's provision of assistance to the Town of Warrensburg with the aforementioned grant application.

Pursuant to Planning and Community Development Item No. 3, Mr. LaMothe spoke on funding awards for the Towns of Lake Luzerne and Horicon. Relative to Lake Luzerne, he explained they had prepared an application that was funded under the Local Waterfront Program as part of the First Wilderness Corridor (FWC) to undertake a comprehensive plan. Mr. LaMothe advised at this time they were providing the Town with some technical assistance on an as-needed basis and although the Town received the funds the activities were for the FWC so he thought a formal structure should be put in place to authorize their assistance. He asked if the Committee members felt a Memorandum of Understanding was needed to allow them to assist the Town or should they just continue as they had been doing. Mr. Monroe asked if there were any funds in the grant for the County to provide administrative services; and Mr. LaMothe replied there were not.

Discussion ensued; and Mr. Belden asked if the staff had the time to do this activity. Mr. LaMothe replied the time was in their work program for the grant, but sometimes the Department was given tasks to complete so they wanted the Committee members to be aware they had made this time commitment.

Motion was made by Mr. Belden, seconded by Mr. Mason and carried unanimously to authorize the Planning & Community Development Department to continue to provide technical assistance to the Town of Lake Luzerne on an as-needed basis under the aforementioned Local Waterfront Program grant and that a formal agreement was not needed.

Next, Mr. LaMothe apprised that the application that was recently submitted for a Restore NY Program grant to rebuild a store in the Town of Horicon that was destroyed by fire had been funded in the amount of \$307,000. He noted the request was for \$398,000. Mr. Stec remarked that was wonderful news and the Committee members concurred.

Pursuant to Planning & Community Development Item No. 4, Mr. LaMothe spoke on the membership of the County Planning Board. He reported that pursuant to the board members' decision current board member Ben Driscoll, who represented the City of Glens Falls on the board, would be resigning from the board. They were awaiting receipt of his official letter of resignation, he added. Mr. LaMothe explained the Planning Board members felt that because of the large number of applications it received from Lake George that particular area should be represented on the board. He noted that Glens Falls and Queensbury were already well represented on the Planning Board. Mr. LaMothe stated they would be asking the Town of Lake George to recommend a potential candidate for the slot. Brief discussion ensued between Mr. LaMothe and Mr. Tessier, Town of Lake George Supervisor, concerning the vacancy.

Next, Mr. LaMothe referred the Committee members to a memo that was included in the agenda packet that Laura Moore, the Department's Planning Associate, had sent to all municipalities that had appointed local Zoning and Planning Boards (Agenda Item No. 5 under Planning & Community Development items.) He pointed out the memo concerned new revised State Legislation that approved training standards for local planning officials. Mr. LaMothe explained the new regulations require that all local members of these boards take a minimum of four hours of training annually. He noted there would be different training programs available and the staff was still working through how the system would work. They would be putting together some training sessions with local entities such as Adirondack Community College (ACC) in order to satisfy the new requirements, he added. Brief discussion followed.

Mr. LaMothe stated the next Planning & Community Development item (No. 5) was a report from Jamie White, the Department's Business Development Coordinator, on her recent attendance at the Governor's Office for Small Cities Conference. A copy of the report was included in the agenda packet. Mr. LaMothe circulated copies of a brochure from the Conference entitled, "Growing Our Small Communities" to the Committee members. He pointed out that Ms. White and Ms. Tatich were shown in a photograph in the brochure. Mr. Belden noted that Mr. Gabriels

and Mr. Monroe were also pictured in the brochure. A copy of the brochure is on file with the minutes.

Mr. W. Thomas left the meeting at 10:49 a.m.

Next, Mr. LaMothe discussed a recommendation from the Department that perhaps a "Clearinghouse" should be set up to be notified of all application submissions the County and Towns would make for funding programs (Planning & Community Development Item No. 7.) He explained the basis of the recommendation was that in the past there were times when both the Department and either another County Department or other communities had applied for the same program funds without the other being aware of it. They found out that had happened when the State called and asked which application did the County want to submit and then a decision had to be made quickly, he said. Thus, Mr. LaMothe stated they wondered if a clearinghouse might be needed for the Towns and the County that would be perhaps through either Joan Parsons, Commissioner of Administrative & Fiscal Services, or Joan Sady, Clerk of the Board of Supervisors. He commented they felt one unified face should be put forward where grant applications were concerned. Mr. LaMothe recalled the State used to have a clearinghouse that had to be notified of any grant applications by a Town or County and then they looked to make sure there were not any redundant applications from the same local area.

Mr. Stec responded he would not be too keen about running his Town's grant applications through the County because it would make another layer to go through. Mr. LaMothe clarified they would just want the County to be notified of what applications were being submitted. He concurred with Mr. Monroe that the County would not have any control over the applications and they just wanted to be kept informed. Mr. Stec cited the example of the aforementioned application for the store in Horicon which he said none of the Committee members had wanted to apply for because they thought it would compete with some other application. He advised he felt they should let the State do the work of sorting through grant applications. Mr. LaMothe acknowledged Mr. Stec's recommendation; and the Committee members offered no objection to it either.

Mr. LaMothe proceeded with review of the Committee Actions Agenda Items (Nos. 1 - 6). First, he requested approval of a resolution to authorize the establishment of a Capital Project for the implementation of a Quality Communities Program grant. He apprised the original grant award of \$97,025 was placed in the First Wilderness Corridor Capital Project. Mr. LaMothe stated they wanted to do some training under the program and the grantor agency had explained they would need to move the funds from the Capital Project because the funds could not be co-mingled with other grant funds.

Motion was made by Mr. Gabriels, seconded by Champagne and carried unanimously to approve the aforementioned request, as presented, and to refer it to the Finance Committee. A copy of a resolution request form is on file with the minutes.

Mr. LaMothe stated that Committee Actions Item No. 2 was the resolution request that was in

conjunction with the aforementioned Pending Item No. 2 which was the SARA grant award for a GIS records management project. He requested approval of a resolution to authorize the establishment of a capital project for the funds and to administer the grant program.

Motion was made by Mr. Mason, seconded by Mr. Belden and carried unanimously to approve the aforementioned request, as presented, and to refer it to the Finance Committee. A copy of a resolution request form is on file with the minutes.

The next request, Mr. LaMothe presented was for a resolution to authorize a contract with Saratoga Associates in the amount of \$6,500 for design work in North Creek as part of the First Wilderness Corridor Program. He noted the design work was for the connections of the rail corridor from Main Street on the former Mundy property.

Motion was made by Mr. Belden, seconded by Mr. Monroe and carried unanimously to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A copy of a resolution request form is on file with the minutes.

Next, Mr. LaMothe outlined a request for approval of a resolution to authorize a contract with Fountains Spatial, Incorporated, to upgrade GIS software. This contract would also be funded by the aforementioned SARA grant, he added. Mr. LaMothe recalled for the Committee members' information that because the original RFP for this project received only one response it had to be re-issued. He stated the second RFP was requested by 27 individuals or firms, but again the only proposal received was from Fountains Spatial, Incorporated. Thus, Mr. LaMothe advised pursuant to consultation with the County Attorney's Office on the situation they would recommend that the contract be awarded to Fountains Spatial, Incorporated.

Motion was made by Mr. Monroe and seconded by Mr. Mason to approve the aforementioned request, as presented.

Following discussion on various aspects of the software upgrades, Mr. Stec called the question and the motion was carried unanimously. The necessary resolution was authorized for the next board meeting. A copy of a resolution request form is on file with the minutes.

Mr. Tessier left the meeting at 10:55 a.m.; and Joan Parsons, Commissioner of Administrative and Fiscal Services entered the meeting at 10:56 a.m.

Mr. LaMothe stated that relative to Committee Actions Agenda Item No. 8, a copy of a handout entitled, "GRANTS.GOV" was the next item in the agenda packet. He explained this was an initiative by the Federal Government that now required all applications for Federal grants to be submitted electronically through this website. Mr. LaMothe outlined in order to submit such grant applications electronically the County would have to be registered, to have a contact point and to be pre-authorized. He asked if the Committee members would like the Department to be able to access the Federal grants and to send information on them out to the Towns. Mr. Stec asked



what other choices there would be to do those functions; and Mr. LaMothe replied, i.e., the Board of Supervisors or some other administrative office.

Motion was made by Mr. Belden and seconded by Mr. Monroe to authorize the Planning & Community Development Department to carry out the aforementioned functions to access all Federally-funded grants. Following brief discussion, Mr. Stec called the question and the motion was carried unanimously.

Concluding the Committee Actions Agenda Items (No. 8 ), Mr. LaMothe discussed funds that concerned the aforementioned Preliminary Design Report for the Outdoor Theater Project. He apprised that Mrs. Sady had informed him the Board of Supervisors' budget included \$50,000 that was for that particular project. Mr. LaMothe advised they did not expect to be ready to award a contract for this work between now and the end of this year. Thus, he asked if the Committee members would like to approve a resolution to establish a Capital Project to set these funds aside so they would not be lost and have to be appropriated again next year.

Motion was made by Mr. Monroe and seconded by Mr. Belden to approve the creation of the aforementioned Capital Project, as presented.

Mr. Monroe suggested that before they started the RFP process for the project the Advisory Committee for the script/production company should be appointed so perhaps it could be in place to review the RFPs for the site design. Mrs. Sady advised they had the names of some potential appointees to that Committee and Chairman W. Thomas had started the appointment process.

Mr. Stec called the question and the motion was carried unanimously. The item was referred to the Finance Committee. A copy of a resolution request form is on file with the minutes.

General discussion ensued.

Mr. Monroe noted there was an item on the agenda that said a meeting on affordable housing would be presented by the Department of State in Warrensburg on November 13th (Item No. 5 under Planning & Community Development items). Mr. Monroe remarked he would be interested in Mr. LaMothe's thoughts on this issue, as he felt one of the problems with being able to have affordable housing in the Adirondack Park was that the local entities did not have any control over their housing density due to the Adirondack Park Agency's (APA) restrictions in that regard. However, he commented, there were critical environmental areas set aside in the Park for swamps, birds, etc., so he had raised the issue to the APA that there should be critical areas for humans.

Mr. Monroe stated he would like the County to adopt a resolution to recommend such areas should be set up, but he did not know where it should come from. Mr. Belden suggested it should come first from the Legislative Committee; and Mr. Monroe said he would bring it up at a future meeting of that Committee. Mr. LaMothe noted one side of the housing density issue was that

under the current Governor 600,000 acres of land in the Adirondacks had been transferred from public ownership to not-for-profit ownership. He apprised those acres represented the loss of the potential for 16,000 dwelling units in the Park. Mr. Monroe noted there were also another half-a-million acres of land in conservation easements that could not be built on. Mr. Monroe noted the Planning & Community Development Department had statistics on the affordable housing crisis in the County. Brief discussion followed.

There being no further business, on motion by Mr. Belden and seconded by Mr. Champagne, Mr. Stec adjourned the meeting at 11:06 a.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk